

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LATOYA BROWN; et al.

PLAINTIFFS

v.

Civ. No. 3:17cv347-CWR-LRA

MADISON COUNTY, MISSISSIPPI; et al.

DEFENDANTS

**DEFENDANTS' MOTION FOR A TEMPORARY STAY OF
DEADLINES OR, IN THE ALTERNATIVE, FOR AN EXTENSION OF TIME**

Defendants, Madison County, Mississippi, and Sheriff Randall C. Tucker, collectively “defendants,” by and through counsel, respectfully move for a temporary stay of their deadlines or, in the alternative, pursuant to Fed. R. Civ. P. 6(b)(1)(A), for an extension of time to respond to plaintiffs’ various filings and would show unto the Court in support thereof the following:¹

1. Defendants submit that this Court should temporarily stay defendants’ deadline to respond to plaintiffs’ amended complaint [Dkt. #342], plaintiffs’ second motion for class certification [Dkt. #343] and plaintiffs’ motion for leave to file second amended complaint. [Dkt. #345].

2. This action was filed on May 8, 2017. [Dkt. #1]. Plaintiffs filed their initial motion for class certification on March 14, 2018. [Dkt. #226]. On January 4, 2019, the Court entered an order denying plaintiffs’ motion for class certification, holding that the motion had numerous deficiencies. [Dkt. #340]. The Court granted plaintiffs thirty (30) days to file an amended complaint so they could attempt to fix their class-related problems. In doing so, the Court denied

¹ Pursuant to Local Rule 7(b)(4), Defendants respectfully request that this Court waive the requirement of a separate memorandum brief in support of the instant motion due to the simplicity of defendants’ requested relief and the rapidly approaching February 18, 2019, deadline to respond to plaintiffs’ amended complaint and two motions.

all outstanding motions without prejudice as being moot. *Id.* On February 4, 2019, plaintiffs filed an amended complaint [Dkt. #342], a motion for class certification based on the amended complaint [Dkt. #343], and a motion for leave to file a second amended complaint. [Dkt. #345]. Defendants have until February 19, 2019, to file a response to plaintiffs' amended complaint and plaintiffs' two pending motions.

3. In light of developments in this action since the beginning of 2019, defendants submit that this case is in a natural posture for potential settlement and have filed a motion requesting that this Court convene a settlement conference with all due haste. [Dkt. #347].

4. In conjunction therewith, defendants respectfully request that the Court enter a temporary stay of the deadlines for defendants to respond to both the amended complaint and the two pending motions. Defendants request that the Court enter a temporary stay of their time to file all responses pending the outcome of the requested settlement conference. Defendants submit that should the settlement conference not result in this matter being resolved, this Court can enter an appropriate scheduling order. Alternatively, if the Court declines to convene a conference, defendants seek a 30-day extension from the date of that order for all responses.

5. Defendants have discussed this proposal with counsel for plaintiffs, who have declined to agree to a settlement conference. Plaintiffs offer only a one-week extension on responding to the amended complaint and the motion for class certification. Plaintiffs offer no extension on the motion for leave to file a second amended complaint absent conditions unacceptable to defendants.

6. An extension of thirty days is reasonable regardless of whether a settlement conference takes place. Plaintiffs' brief in support of class certification on their new amended complaint consists of 43 pages, eight pages more than allowed by the Court's Rule 7(b)(5) for

movants' initial and rebuttal briefs taken together.² Moreover, lead counsel for defendants was unable to work on responses during the week plaintiffs' papers were filed because of a trial in the courtroom of the District Judge now presiding over this action. Additional time under these circumstances is fully justified.

7. Defendants make this request not for purposes of delay, but to prevent the expenditure of resources in responding to plaintiffs' new filings in light of their hope that this matter can be amicably resolved.

Respectfully submitted this 12th day of February, 2019.

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

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² Had plaintiffs contacted defendants to request a deviation from the Local Rules, the parties would have had an opportunity to discuss reasonable extensions of both pages and time.

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CERTIFICATE OF SERVICE

I, Michael B. Wallace, hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following:

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So, certified this the 12th day of February, 2019.

/s/ Michael B. Wallace
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